

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CR-120-1H

This matter is before the court on the following pro se motions filed by defendant: (1) motion to dismiss for lack of subject matter jurisdiction and in personam jurisdiction, [DE #79, #90]; (2) motion for a temporary restraining order, [DE #89]; (3) motion to clarify financial responsibility payment, [DE #107]; and (4) motion to strike government's response, [DE #116].

Defendant moves to dismiss her case for lack of subject matter jurisdiction and in personam jurisdiction because she alleges, inter alia, the United States is a legal fiction. [DE #79, #90]. The court finds this argument is wholly without merit.

Defendant moves for a temporary restraining order alleging irreparable injury would ensue from the sale and disposition of defendant's personal property, [DE #89]. This court has previously denied defendant's motion for judicial review of forfeiture, and

this order was subsequently upheld by the Fourth Circuit. [DE #115]. The court finds defendant's argument is without merit.

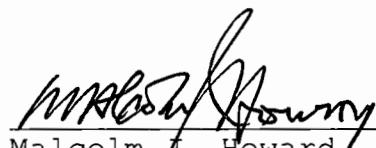
Defendant alleges she is being required to pay more than \$25 per quarter to the inmate financial responsibility program ("IFRP"), [DE #107], however, the government clarifies in its timely filed Notice to the Court, [DE #113], that the order of the court at sentencing was for restitution to be "due and payable immediately." [DE #113 at 4]. Thus, the defendant's IFRP payments of \$25.00 per quarter are a minimum installment payment plan, not a maximum payment plan as argued in her motion. Defendant further argues in her motion to strike government's response, [DE #116], that the government's response was untimely filed. However, this argument for striking the government's response is without merit as the government's notice was filed in compliance with the order of this court, [DE #112].

CONCLUSION

The court has reviewed each of these motions and finds them to be wholly without merit. Therefore, the defendant's motion to dismiss for lack of subject matter jurisdiction and in personam jurisdiction, [DE #79, #90]; motion for a temporary restraining order, [DE #89]; motion to clarify financial responsibility

payment, [DE #107]; and motion to strike government's response,
[DE #116], are hereby DENIED.

This 23rd day of January 2018.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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